

Ordinance No. 3351

An ordinance adding a new chapter to the City of Broken Arrow Code of Ordinances, Chapter 26, Emergency Medical Services, including sections set forth as follows: Section 26-1, Establishment of a Medical Service Program, Section 26-2 Definitions, Section 26-3 Medical Services Program and Fee, Section 26-4 Nonparticipation election, Section 26-5 Collection of Medical Service Program Fees, Section 26-6 Adjustment of charges and appeals, Section 26-7, Persons not covered by the Medical Service Program, Section 26-8 Insurance Provision, Subrogation and Assignment, Section 26-9 Limitation of obligation of City, and Section 26-10 Penalty; repealing all ordinances to the contrary; and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW:

SECTION I. That the Broken Arrow Code is hereby amended by adding a Section to be numbered Section 26-1, Establishment of a Medical Service Program, which said section reads as follows:

Section 26-1 Establishment of a Medical Service Program

There is hereby established a Medical Service Program, to be known as LifeRide, which consists of the services, equipment, expertise and costs of the emergency medical services provided by the City of Broken Arrow. The purpose of the Medical Service Program is to serve the residents of the city by providing for emergency medical services at a rate equal to existing medical insurance coverages or state or federal health care programs and by a monthly fee for each utility customer or resident or non-resident participating in the Program. Therefore, the emergency medical services provided by this ordinance shall be deemed a no out-of-pocket service supplemental to insurance coverages or state or federal health care programs afforded persons entitled to emergency medical services by this ordinance.

SECTION II. That the Broken Arrow Code is hereby amended by adding a Section to be numbered Section 26-2, Definitions, which said section reads as follows:

Section 26-2 Definitions

The following words and phrases as used in this chapter shall, for the purposes of this chapter, have the following meaning:

Director shall mean the Director of Finance or his or her designee.

Election Period shall mean the month of August immediately preceding the beginning of the next Program Year.

Landlord shall mean any person, company, corporation, or other entity that owns or manages Single-family and/or Multifamily Residential Living Units and leases them to Tenants and is responsible for payment of the utility bills for the Living Units.

Multifamily Residential shall mean two (2) or more residential units and served by one (1) utility service connection.

Program Year shall be from September 1 through August 31 of the next calendar year. Each Program Year shall be designated by the calendar year in which the program year expires (e.g., September 1, 2015, through August 31, 2016, shall be designated Program Year 2016).

Single-Family Residential shall mean one (1) residential living unit served by one (1) or more utility service connections.

Tenant shall mean everyone not included as a utility customer or a Landlord.

Utility Customer shall include all individuals permanently residing together in a residential living unit at a specific location, which living unit has utility services billed directly to at least one (1) of the individuals residing in the residential living unit.

SECTION III. That the Broken Arrow Code is hereby amended by adding a Section to be numbered Section 26-3, Medical Service Program and Fee, which said section reads as follows:

Section 26-3 Medical Service Program and Fee

- A. Every Single-Family Residential and Multifamily Residential Utility Customer within the fenceline of the City of Broken Arrow shall be included in the Medical Service Program, unless they affirmatively decline participation in the Program in the manner set forth in this chapter.
- B. Single-Family Residential Utility Customers participating in the program shall have included within their Utility bill a charge as set forth in the Manual of Fees. Multifamily Residential Utility Customers and Landlords participating in the program shall have included within their utility bill a charge for each occupied residential living unit in an amount as set forth in the Manual of Fees. There is a rebuttable presumption that fifty percent (50%) of the total number of residential living units served by City utilities are occupied. The number of presumed residential units shall be rounded down, but to not less than one (1).
- C. Multifamily Residential Utility Customers and Landlords shall provide to the Director, on or before July 31 of the year immediately prior to the beginning of a Program Year, the total number of residential living units owned or operated by the person or entity providing the report, which shall be used to determine the occupancy figure set forth in subsection B above.
- D. All persons residing in nursing homes, skilled nursing facilities, or other institutions or organizations within the corporate limits of the City of Broken Arrow where persons are kept for care and treatment may elect to participate in the Medical Service Program by submitting a form approved by the Director to the City and by paying an annual fee as set forth in the Manual of Fees.
- E. All persons residing in a residential unit that is located within the City of Broken Arrow fenceline, but not within the corporate limits of the City and do not receive City utility services, may elect to participate in the Medical Service Program by

submitting a form approved by the Director to the City and by paying an annual fee as set forth in the Manual of Fees on or before the beginning of the Program Year.

SECTION IV. That the Broken Arrow Code is hereby amended by adding a Section to be numbered Section 26-4, Nonparticipation election, which said section reads as follows:

Section 26-4 Nonparticipation election

- A. Any Utility Customer or Landlord who elects not to participate in the program for the next Program Year shall make a declaration of nonparticipation during the Election Period, or upon opening a Utility Service account at a residential address. Such declaration shall be made on forms prescribed and approved by the Director and submitted to the City. A Utility Customer's election of nonparticipation shall remain in effect for succeeding Program Years until the customer affirmatively elects to join the program. Any succeeding election must be made during the Election Period immediately preceding the next Program Year, or upon opening a utility service account at a different residential address.
- B. If a Landlord or Multifamily Residential Customer elects not to participate in the program, then prior to the start of the next Program Year or upon entering into an initial lease with a tenant, whichever is earlier, the Landlord or Multifamily Residential Utility Customer shall obtain from each tenant a written and signed acknowledgement stating that the tenant (1) understands that the property being leased by the tenant is not included in the Medical Service Program; (2) understands that he/she may affirmatively elect to personally participate in the Program by contacting the Director and enrolling in the Program; (3) understands failure to participate in the Program will subject the tenant or utility customer to the full fee for the costs associated with their treatment; (4) states the basic cost for an emergency medical services transport run for the Program Year; and (5) acknowledges that he/she has received the telephone number and mailing address of the Director for purposes of participating in the Program. The written and signed acknowledgement described herein shall be maintained in the Landlord's records and available for inspection as provided herein.
- C. Failure to obtain and maintain on file the written acknowledgement from each tenant shall constitute a separate violation of this section. In addition, every thirty (30) day period from the beginning of a lease until written acknowledgement is received or the landlord elects for a property to participate in the program shall constitute a separate offense for each tenant affected.

SECTION V. That the Broken Arrow Code is hereby amended by adding a Section to be numbered Section 26-5, Collection of Medical Service Program Fees, which said section reads as follows:

Section 26-5 Collection of Medical Service Program fees

- A. The fees for the Medical Service Program set forth in the Manual of Fees shall be billed to each Utility Customer monthly, along with the bill for water and other City utility services, and shall include all such penalties as are now or may hereafter be established for utility service bills, and shall carry the same due date as now or may hereafter be established for utility service bills.
- B. In the event any utility account shall become delinquent, water service may be terminated by the City until all delinquent charges shall be paid in full. The provisions for collection of charges provided herein shall be in addition to any rights or remedies which the City may have under the laws of the State of Oklahoma.

SECTION VI. That the Broken Arrow Code is hereby amended by adding a Section to be numbered Section 26-6, Adjustment of charges and appeals, which said section reads as follows:

Section 26-6 Adjustment of charges and appeals

Any person who considers the Medical Service Program charges or fees applicable to his or her residential living unit to be inaccurate or erroneous, may request a review by the Director. In addition, any Landlord who encounters special circumstances that would justify modifying the number of occupied units determined in accordance with the provisions of Section 26-3, such as fire, Act of God or renovations, may request a review by the Director. The determination of the Director may be appealed to the City Manager by written notice of appeal filed with the Director within ten (10) days of the Director's determination. The decision of the City Manager may be appealed to the City Council by such person or by the Director by written notice of appeal filed with the City Clerk within ten (10) days of a decision by the City Manager.

SECTION VII. That the Broken Arrow Code is hereby amended by adding a Section to be numbered Section 26-7, Persons not covered by the Medical Service Program, which said section reads as follows:

Section 26-7 Persons not covered by the Medical Service Program

All persons who do not participate in the Medical Service Program shall pay all charges for such emergency medical services as are set forth in the Manual of Fees. These charges shall include, but not be limited to, load charges, loaded mileage charges, supplies, materials and medication.

SECTION VIII. That the Broken Arrow Code is hereby amended by adding a Section to be numbered Section 26-8, Insurance Provision Subrogation and Assignment, which said section reads as follows:

Section 26-8 Insurance Provision, Subrogation and Assignment

All persons subscribing to the City's Medical Service Program shall provide information on their insurance coverage and/or participation in a state or federal health care program. All persons subscribing shall further be deemed to have agreed to an assignment to the City of all their right and entitlement to the benefits of any insurance or state or federal health care programs attributable to emergency medical services provided by the City pursuant to this Chapter. Similarly, all residents of the City subject to the provisions of this Chapter shall be obligated to pay for emergency medical services in a sum equivalent to their insurance coverage. Any person receiving insurance benefits and failing to pay emergency medical services to the city shall be liable for the same.

SECTION IX. That the Broken Arrow Code is hereby amended by adding a Section to be numbered Section 26-9, Limitation of obligation of City, which said section reads as follows:

Section 26-9 Limitation of obligation of City

Under no condition shall the City be obligated to pay any sum of money to any person eligible for the benefits conferred by this chapter. When any person elects to use any emergency medical service provider other than that provided by the City, the City shall have no liability or obligation to pay such person any benefits therefore. When the City is for any reason unable to provide emergency medical services as contemplated by this Chapter, no person being refused emergency medical services at such time shall be entitled to make any claim or demand against the City, or receive any benefits from the City and the operation of the emergency medical service by the City is hereby declared to be a governmental function of the City for the health and welfare of all persons for whom benefits are provided by this Chapter.

SECTION X. That the Broken Arrow Code is hereby amended by adding a Section to be numbered Section 26-10, Penalty, which said section reads as follows:

Section 26-10 Penalty

Unless otherwise provided, any person violating any of the provisions of this chapter shall be guilty of an offense, and upon conviction, shall be punished by a fine of not more than One Hundred Dollars (\$100.00), plus court costs.

SECTION XI. Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION XII. An emergency exists for the preservation of the public health, peace and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

PASSED AND APPROVED and the emergency clause ruled upon separately this 15th day of June, 2015.

ATTEST:

Marilyn Benge
(Seal) CITY CLERK

APPROVED:

Lesli Myers
Deputy CITY ATTORNEY



Cyril Thomas
MAYOR